

1 PHILLIP A. TALBERT
2 United States Attorney
3 PETER K. THOMPSON (HI 5890)
Acting Regional Chief Counsel, Region IX
Social Security Administration
4 MARCELO ILLARMO (MABN 670079)
Special Assistant United States Attorney
5 160 Spear Street, Suite 800
San Francisco, California 94105
6 Telephone: (415) 977-8944
7 Facsimile: (415) 744-0134
Email: Marcelo.Illarmo@ssa.gov

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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 ESTEBAN LOPEZ,) Case No. 2:20-cv-00360-AC
13 Plaintiff)
14 v.) **STIPULATION AND PROPOSED
15 KILOLO KIJAKAZI,) ORDER FOR AWARD OF ATTORNEY'S
16 Acting Commissioner of Social Security,) FEES UNDER THE EQUAL ACCESS TO
17 Defendant) JUSTICE ACT (EAJA)**
18 _____)
19 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
20 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses
21 under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of five
22 thousand dollars (\$5,000.00), and no costs under 28 U.S.C. § 1920. This amount represents
23 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this
24 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). Accordingly, should this Court award
25 fees and expenses under EAJA pursuant to this stipulation, Plaintiff's motion for attorney fees (ECF
26 28) would be moot.

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
matter of any assignment of EAJA fees by Plaintiff to her counsel Kelsey Brown (Counsel). Pursuant
28 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor

1 the assignment will depend on whether the fees are subject to any offset allowed under the United
2 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
3 government will determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
5 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
6 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff. Any
7 payments made shall be delivered to Counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
9 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
10 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
11 and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney
fees in connection with this action.

12 This award is without prejudice to the rights of Kelsey Brown to seek Social Security Act
13 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA .
14

15 Respectfully submitted,

16 Dated: April 21, 2022

17 By: /s/ Kelsey Brown*
18 KELSEY BROWN
19 By email authorization on 4/21/22
20 Attorney for Plaintiff

21 Dated: April _21, 2022 PHILLIP A. TALBERT
22 United States Attorney

23 By: /s/ Marcelo Illarmo
24 MARCELO ILLARMO
Special Assistant United States Attorney
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Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$5,000.00 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation. Furthermore, Plaintiff's motion for attorney fees (ECF 28) is denied as moot.

DATED: April 21, 2022

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE